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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,000	01/30/2001	Satoshi Okuyama	1405.1034 (JDH)	8470

21171 7590 01/26/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/772,000	OKUYAMA ET AL.	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on September 7, 2004 has been entered and fully considered.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi, U.S. Patent No. 6,519,471.

Yamaguchi teaches the invention as claimed including a portable electronic mail apparatus and storage medium storing electronic mail program (see abstract).

Regarding claim 1, Yamaguchi teaches a text messaging system including a plurality of information terminals provided with communications means, and servers connected to the information terminals via communication lines responsive to the communications means, the text messaging system comprising:

transmission means provided in the information terminals for transmitting to the servers text messages addressed to other of the information terminals (col. 8, lines 23-39; Yamaguchi discloses a transmitted mail area);

reception means provided in the information terminals to for receiving from the servers text messages from other of the information terminals (col. 8, lines 6-22; Yamaguchi discloses a received mail area);

status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the information terminals including at least a status of the connection with the communication lines (col. 2, lines 55-57, Yamaguchi discloses detecting means for detecting if an electronic message has been received, col. 19, lines 45-65; Yamaguchi discloses detection of a mail address);

reception means provided in the servers for receiving text messages from any one of the information terminals (col. 8, lines 6-22; Yamaguchi discloses a server receiving mail);

status administration means provided in the servers for storing, per user of any one of the information terminals, the operational status of the information terminals reported from said status detection means (col. 19, lines 45-65; Yamaguchi discloses a determination result based on the detection);

decision means provided in the servers for referring to the information terminal operational status stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for deciding transmission modes for the received text messages according to the

information terminal operational status (col. 9, lines 33-67; col. 10, lines 1-31; Yamaguchi discloses a determination result); and

transmission means provided in the servers for transmitting text messages received from the information terminals to the destination information terminal according to the transmission modes determined by the decision means (col. 8, lines 6-22).

Regarding claim 2, Yamaguchi teaches a text messaging system including a mobile terminal and an information terminal respectively provided with communication means, and a server connected to the mobile terminal and to the information terminal via a communications line responsive to the communications means, the text messaging system comprising:

transmission means in the information terminal for transmitting to the server text messages addressed to the mobile terminal, or to another information terminal (col. 2, lines 8-20; col. 8, lines 23-39; Yamaguchi discloses a portable electronic mail apparatus);

reception means provided in the information terminal for receiving from the server text messages from the mobile terminal, or to another information terminal (col. 2, lines 8-20; col. 8, lines 6-22);

status detection means provided in the information terminal for detecting and reporting to the server an operational status of the information terminals including at

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least a status of the connection with the communications line (col. 2, lines 8-20, lines 55-57; col. 19, lines 45-65);

reception means provided in the server for receiving text messages from the mobile terminal or the information terminal (col. 2, lines 8-20; col. 8, lines 6-22);

status administration means provided in the server for holding, per user of the information terminal, an information-terminal operational status reported from said status detection means (col. 19, lines 45-65); and

decision means provided in the server for referring to the information terminal operational status stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for deciding transmission modes for the received text messages according to the information terminal operational status (col. 9, lines 33-67; col. 10, lines 1-31); and

transmission means provided in the server for transmitting to the information terminal text messages received from the mobile terminal, and transmitting to the mobile terminal text messages received from the information terminal, or transmitting text messages received from the mobile terminal or the information terminal to another mobile terminal or to another information terminal according to the transmission modes determined by decision means wherein the system includes a plurality of either (col. 2, lines 8-20; col. 8, lines 23-39).

Regarding claim 3, Yamaguchi teaches a text messaging system according to claim 2, wherein:

said status detection means further detects and reports to the server whether the information terminal is being used (col. 19, lines 66-67; col. 20, lines 1-31; Yamaguchi discloses a status variable); and

said decision means, upon the information terminal is being used decides the information terminal to be a transmission destination for text messages (col. 9, lines 33-63; Yamaguchi discloses when the determination result is NO a mode selection screen is displayed).

Regarding claim 4, Yamaguchi teaches a text messaging system according to claim 2, the at least one information terminal further being provided with service detection means for detecting and for reporting to the server network-application operational status in the information terminal; wherein:

said status administration means holds the reported network-application operational status (col. 19, lines 45-65); and

said decision means, wherein the network application is operable on the server, decides to transmit received text messages using the network application if the network application is running on the information terminal (col. 9, lines 33-67; col. 10, lines 1-31).

Regarding claim 5, Yamaguchi teaches a text messaging system according to claim 2, wherein said transmission means is enabled to notify the server that a text message has been read, further comprising:

reporting administration means provided in the at least 6 one server for saving text messages transmitted to the information terminal, and, wherein if not notified to the effect that a text message has been read, for forwarding the text message to the mobile terminal (col. 8, lines 6-22; Yamaguchi discloses a received mail area storing mails and the use of an unseal flag).

Regarding claim 6, Yamaguchi teaches a text messaging system according to claim 5, wherein said reporting administration means forwards to the mobile terminal text messages transmitted to the information terminal in response to change in operational status of the information terminal (col. 7, lines 39-49; Yamaguchi discloses received mail being transmitted).

Regarding claim 7, Yamaguchi teaches a text messaging system according to claim 5, wherein if a text message transmitted to the information terminal is not read within a predetermined time period, said reporting administration means forwards the text message to the mobile terminal (col. 21, lines 1-16; Yamaguchi discloses received mail transferred if the mail meets a transfer condition).

Regarding claim 8, Yamaguchi teaches a text messaging system according to claim 5, wherein said reporting administration means in predetermined instances reports to text message send sources that their text messages have been sent: to the mobile terminal (col. 8, lines 23-39; Yamaguchi discloses a transmitted flag).

Regarding claim 9, Yamaguchi teaches a text messaging system according to claim 5, wherein if said reporting administration means cannot send a text message to the mobile terminal, said reporting administration means stores the text message and reports to the text message send source that its text message has been stored (col. 8, lines 23-39; Yamaguchi discloses electronic mails stored with the transmitted flag indicating that the electronic mail has not been transmitted).

Regarding claim 10, Yamaguchi teaches a text messaging system according to claim 2, wherein:

said status detection means reports to the server text message senders' contact phone numbers (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses a connection to a dial number);

said status administration means holds the reported phone numbers (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses a dial number set in advance); and

wherein a text message is sent from the information terminal to the at least one mobile terminal, if the senders' contact phone number has been set, said decision means adds the phone number to and transmits the text message (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses received mails being processed after the connection).

Regarding claim 11, Yamaguchi teaches a text messaging system according to claim 2, further comprising a proxy information terminal connected to the communications line, wherein said proxy information terminal is provided with:

reception means for receiving from the server text messages from the mobile terminal (col. 2, lines 8-20; col. 8, lines 6-22);

information acquisition means for obtaining in accordance with the received text messages operational status of other information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20; col. 19, lines 45-65);

transmission means for transmitting the obtained operational status as a text message to the mobile terminal (col. 2, lines 8-20; col. 8, lines 23-39); and

information setting means for setting and reporting to the server an operational status of the other information terminal in accordance with the received text messages (col. 19, lines 45-65).

Regarding claim 12, Yamaguchi teaches a text messaging system including a mobile terminal and an information terminal respectively provided with communication means, a first server connected to the information terminal via communications line responsive to the communications means, and a second server connected to the mobile terminal and to the information terminal via the communications line, the text messaging system comprising:

transmission means provided in the information terminal for transmitting to the second server text messages addressed to the mobile terminal, or to another

information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20, col. 8, lines 23-39);

reception means provided in the information terminal for receiving from the second server text messages from the mobile terminal, or from other information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20, col. 8, lines 6-22);

status detection means provided in the information terminal for detecting and reporting to the first server an operational status of the information terminals including at least status of connection with the communications line (col. 2, lines 8-20, col. 19, lines 45-65);

status administration means provided in the first server for gathering and holding per user of the information terminals, an information-terminal operational status from the information terminal (col. 19, lines 45-65);

reception means provided in the second server for receiving text messages from the mobile terminal or the information terminal (col. 2, lines 8-20, col. 8, lines 6-22);

decision means provided in the second server for obtaining from the first server operational status of the information terminal that is a destination of the text message received from the information terminal, and for deciding a transmission mode for received text messages according to the obtained operational status (col. 9, lines 33-67, col. 10, lines 1-31); and

transmission means provided in the second server for transmitting text messages received from the mobile terminal or the information terminal to another mobile terminal

or a destination information terminal according to the transmission modes determined by the decision means, wherein the system includes a plurality of either (col. 2, lines 8-20, col. 8, lines 23-39).

Regarding claim 13, Yamaguchi teaches a text messaging system according to claim 12, wherein the information terminal is enabled to notify the second server that a text message has been read, and further comprising:

reporting administration means provided in the second server for saving text messages transmitted to the information terminal, and, wherein not notified to the effect that a text message has been read, for forwarding the text message to the information terminal (col. 8, lines 6-22).

Regarding claim 14, Yamaguchi teaches in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, a text messaging device comprising:

transmission means for transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals (col. 2, lines 8-20, col. 8, lines 23-39);

reception means for receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 2, lines 8-20, col. 8, lines 6-22);
and

status detection means for detecting and reporting to the servers an operational status of the information terminals including at least status of a connection with the communications lines (col. 2, lines 8-20, col. 19, lines 45-65).

Regarding claim 15, Yamaguchi teaches a text-messaging server connected to at least one mobile terminal and an information terminal respectively provided with communication means, via communications line responsive to the communications means, the server comprising:

reception means for receiving text messages from the mobile terminal or the information terminal (col. 2, lines 8-20, col. 8, lines 6-22);

transmission means for transmitting text messages received from the mobile terminal or the at least one information terminal to another mobile terminal or to another information terminal wherein the server is connected to a plurality of either (col. 2, lines 8-20, col. 8, lines 23-39);

status administration means for receiving and holding per user of the information terminal, an operational status from the information terminal (col. 19, lines 45-65); and

decision means for referring to the information terminal operational status stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for deciding transmission modes for the text messages according to the information terminal operational status (col. 9, lines 33-67, col. 10, lines 1-31).

Regarding claim 16, Yamaguchi teaches a computer-readable recording medium on which is recorded a text messaging program utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the computer-readable recording medium on which is recorded the text messaging program for executing:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals (col. 2, lines 8-20, col. 8, lines 23-39);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 2, lines 8-20, col. 8, lines 6-22); and

detecting and reporting to the servers an operational status of the information terminals including at least status of a connection with the communications lines (col. 2, lines 8-20, col. 19, lines 45-65).

Regarding claim 17, Yamaguchi teaches a computer-readable recording medium on which is stored a text messaging administration program utilized in a server connected to mobile terminal and information terminal respectively provided with communication means, via communications line responsive to the communications means, the computer-readable recording medium on which is recorded the text messaging administration program for executing:

receiving text messages from the mobile terminal or the information terminal (col. 2, lines 8-20, col. 8, lines 6-22);

obtaining and holding, per user of the information terminal, an operational status of the information terminal (col. 2, lines 8-20, col. 19, lines 45-65); and

deciding text message transmission mode according to the operational status of the information terminal (col. 9, lines 33-67, col. 10, lines 1-31); and

transmitting text messages from the information terminals to a destination information terminal according to the decided text transmission mode (col. 2, lines 8-20, col. 8, lines 23-39).

Regarding claim 18, Yamaguchi teaches a text messaging method utilized in a server connected to a mobile terminal and an information terminal respectively provided with communication means, via communications line responsive to the communications means, the text messaging method:

detecting and reporting to the server an operational status of the information terminal including at least status of connection with the communications line (col. 2, lines 8-20, col. 19, lines 45-65);

holding per user of the information terminal in the server the operational status of the information terminal (col. 2, lines 8-20, col. 19, lines 45-65); and

deciding a transmission mode for the received text messages according to the held operational status of the information terminal (col. 9, lines 33-67, col. 10, lines 1-31); and

transmitting and receiving text messages by way of the server between the mobile terminal and the destination information terminal, or between the mobile terminal

and another mobile terminal wherein the system includes a plurality thereof, or between the information terminal and destination information terminal, wherein the system includes a plurality thereof;, according to the decided transmission modes (col. 2, lines 8-20, col. 8, lines 6-39).

Regarding claim 19, Yamaguchi teaches a text message transmission and reception method utilized in an information terminal provided with communication means for transmitting and receiving text messages among mobile terminals or other information terminals via communication lines and servers responsive to said communication means, the text message transmission and reception method:

transmitting to the servers text messages addressed to the mobile terminals or to the other information terminals (col. 2, lines 8-20, col. 8, lines 23-39);

receiving from the servers text messages from the mobile terminals or from the other information terminals (col. 2, lines 8-20, col. 8, lines 6-22); and

detecting and reporting to the servers an operational status of the information terminals including at least status of a connection with the communications lines (col. 2, lines 8-20, col. 19, lines 45-65).

Regarding claim 20, Yamaguchi teaches a text-messaging administration method for a server connected to a mobile terminal and an information terminal respectively provided with communication means, via a communications line responsive to the communications means, the text-messaging administration method:

receiving from the mobile terminal or the information terminal text messages addressed to another mobile terminal or another information terminal, or addressed to another mobile terminal or to another information terminal wherein the system includes a plurality of either (col. 2, lines 8-20; col. 8, lines 6-22);

gathering and holding per a user of the information terminal, an operational status of the information terminal including at least status of connection with the communications line (col. 2, lines 8-20, lines 55-57; col. 19, lines 45-65); and

deciding a transmission mode for the received text messages according to an operational status of the information terminal that is a destination of the text message received from the information terminal (col. 9, lines 33-67; col. 10, lines 1-31); and

transmitting the received text messages to another mobile terminal or a destination information terminal according to the decided transmission modes (col. 2, lines 8-20; col. 8, lines 23-39).

Regarding claim 21, Yamaguchi teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communications lines, comprising:

status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the information terminals including at least a status of a connection with the communication lines (col. 2, lines 8-20, col. 19, lines 45-65);

status administration means provided in the servers for storing, per user of any one of the information terminals, an operational status of the information terminals reported from the status detection means (col. 19, lines 45-65); and

decision means provided in the servers for referring to the information terminal an operational status stored by the status administrations means of an information terminal that is a destination of the text message received from the information terminal, and for determining transmission modes for the received text messages according to the information terminal operational status (col. 9, lines 33-67; col. 10, lines 1-31).

Regarding claim 22, Yamaguchi teaches a text messaging system according to claim 21, further comprising a proxy information terminal, connectable to the communications line, wherein said proxy information terminal is provided with:

information acquisition means for obtaining in accordance with the received text messages an operational status of another information terminal (col. 2, lines 8-20, col. 19, lines 45-65);

transmission means for transmitting the obtained operational status as a text message to the mobile terminal (col. 2, lines 8-20, col. 8, lines 23-39); and

information setting means for setting and reporting to the server an operational status of the other information terminal in accordance with the received text messages (col. 19, lines 45-65).

Regarding claim 23, Yamaguchi teaches a text messaging system including a plurality of information terminals and servers connected to the information terminals via communication lines, comprising:

a detector detecting and reporting to the servers an operational status of the information terminals including at least a status of the connection with the communication lines (col. 2, lines 8-20, col. 19, lines 45-65);

a receiver receiving text messages from any one of the information terminals (col. 2, lines 8-20; col. 8, lines 6-22);

a controller storing, per user of any one of the information terminals, the operational status of the information terminals reported from said status detection means (col. 19, lines 45-65); and

a processor referring to the information terminal operational status stored by the controller and determining transmission modes of the received text messages according to the information terminal operational status (col. 2, lines 8-20, col. 8, lines 23-39, col. 19, lines 45-65).

Regarding claim 24, Yamaguchi teaches the text messaging system according to claim 23, further comprising a proxy information terminal comprising:

a receiver receiving from the server text messages from the mobile terminal and obtaining in accordance with the received text messages operational status of another information terminal (col. 2, lines 8-20; col. 8, lines 6-22, col. 19, lines 45-65);

a transmitter transmitting the obtained operational status as a text message to the mobile terminal (col. 2, lines 8-20, col. 8, lines 23-39); and

a processor setting and reporting to the server an operational status of the other information terminal in accordance with received text messages (col. 2, lines 8-20, col. 19, lines 45-65).

Response to Arguments

3. Applicant's arguments filed September 7, 2004 have been fully considered but they are not persuasive. Yamaguchi discloses a status administration means on column 19, lines 45-65 in the use of a determination result based on the detection. Yamaguchi also discloses a status detection means detecting and reporting an operational status of information terminals on column 2, lines 55-57 in the detecting means for detecting if an electronic message has been received.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,334,140 to Kawamata.

U.S. Pat. No. 6,178,331 to Holmes et al.

U.S. Pat. No. 6,108,688 to Nielsen.

U.S. Pat. No. 5,872,926 to Levac et al.

U.S. Pat. No. 6,701,378 to Gihuly et al.

U.S. Pat. No. 5,706,211 to Beletic et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG


ARLETTE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100